

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS CHRIS DE LUCA

DEFENDANTS EQUIPMENT SALES & SERVICE, INC. and FORD MOTOR COMPANY (Improperly plead as Ford Motor Corporation)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sergei Lemberg, Esq., LEMBERG & ASSOCIATES, 30
Oak St., Suite 401, Stamford, CT 06905 (203)653-2250

ATTORNEYS (IF KNOWN)

James S. Dobis, Esq., DOBIS, RUSSELL & PETERSON, 7
Elk Street, Lower Level, New York, NY 10007 (212)593-3310

CAUSE OF ACTION (cite the U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Magnuson-Moss Warranty Act

Has this or a similar case been previously filed in SDNY at any time? No Yes? Judge Previously AssignedIf yes, was this case Vol Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____(PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY		
	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 400 STATE REAPPORTIONMENT
[] 110 INSURANCE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 FOOD & DRUG	[] 410 ANTITRUST
[] 120 MARINE	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED	[] 430 BANKS & BANKING
[] 130 MILLER ACT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 630 LIQUOR LAWS	[] 640 WITHDRAWAL	[] 450 COMMERCE/CC
[] 140 NEGOTIABLE INSTRUMENT	[] 340 MARINE LIABILITY	[] 640 RR & TRUCK	21 USC 881	RATES/ETC
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 345 MARINE PRODUCT LIABILITY	[] 650 AIRLINE REGS	[] 820 COPYRIGHTS	[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 370 OTHER FRAUD	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 152 RECOVERY OF DEFECTUAL STUDENT LOANS (EXCL VETERANS)	[] 371 TRUTH IN LENDING	[] 690 OTHER	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 380 OTHER PERSONAL PROPERTY DAMAGE			[] 490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY			[] 510 SELECTIVE SERVICE
[] 190 OTHER CONTRACT	[] 390 OTHER PERSONAL INJURY			[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY				[] 875 CUSTOMER CHALLENGE
[] 198 FRANCHISE				12 USC 3410
	ACTIONS UNDER STATUTES			[] 881 AGRICULTURE ACTS
	CIVIL RIGHTS	PRISONER PETITIONS		[] 882 ECONOMIC STABILIZATION ACT
	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE		[] 893 ENVIRONMENTAL MATTERS
	[] 442 EMPLOYMENT	28 USC 2255		[] 884 ENERGY ALLOCATION ACT
	[] 443 HOUSING EJECTMENT	[] 530 HABEAS CORPUS		[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY		[] 800 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[] 246 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 640 MANDAMUS & OTHER		[] 850 CONSTITUTIONALITY OF STATE STATUTES
[] 280 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS		[] 890 OTHER STATUTORY ACTIONS
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN IN ONE BOX ONLY)

ORIGIN

 1 Original Proceeding 2a. Removed from 3 Remanded from 4 Reinstated or
State Court Appellate Court Reopened 5 Transferred from 6 Multidistrict
(Specify District) Litigation 7 Appeal to District
Judge from
Magistrate Judge
Judgment 2b. Removed from State Court
AND at least one party is a pro se litigant(PLACE AN IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441) 1 U.S. PLA 2 U.S. DEFENDANT 3 FEDERAL QUESTION
(U.S. NOT A PARTY) 4 DIVERSITY(Place an in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE

PTF 11 DEF 11CITIZEN OR SUBJECT OF A
FOREIGN COUNTRYPTF 13 DEF 13INCORPORATED AND PRINCIPAL PLACE
OF BUSINESS IN ANOTHER STATEPTF 15 DEF 15

CITIZEN OF ANOTHER STATE

 2 12INCORPORATED OR PRINCIPAL PLACE
OF BUSINESS IN THIS STATE 14 14

FOREIGN NATION

 16 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Chris De Luca
P.O. Box 587
Armonk, New York 10504

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Ford Motor Company
3 Parklane Boulevard
Parklane Towers West
Dearborn, MI 48126-2568

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

EQUIPMENT SALES & SERVICE, INC.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

11/21/07

s/James S. Dobis, Esq.

[] NO
[x] YES (DATE ADMITTED Mo. 11 Yr. 1984)
Attorney Bar Code # JD1425

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)